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ABSTRACT

All 199 circuit court judges in Wisconsin were surveyed to explore the relationship between judges and the news media, to determine how judges communicate with the public through the news media, and to examine the influence of individual, organizational, and institutional variables on judges' use of the news media as a link with the public. Results of 148 completed surveys indicated that, in terms of judges' cooperation with the news media, judges' age and experience, time, and work and ethical constraints are important factors, along with the mere presence of local media. In addition, it appeared that accountability most affects judges' use of the media to receive information from the public rather than to send information to the public. One unexplained finding is the positive correlation between cooperativeness and judges' having experienced adverse publicity. One theory is that judges who are victims of bad publicity may be unresponsive when asked for help, but they may volunteer assistance to defend themselves or to keep the flow of information as much as possible on their own terms. (DF)

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Communicating the Law: Factors Influencing Judges' Interaction with the News Media

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Communicating the Law:
Factors Influencing Judges' Interaction with the News Media

The meaning of law lies in part in the words and intent of the legislators, administrators and judges who create it. But law also has meaning in the minds of those affected by it. And for law to play its role as a mechanism of social control, for it to have symbolic value, and for it to become a subject of informed debate, it must be communicated to members of society. Similarly, law cannot be perceived as strictly a top-down phenomenon -- that is, as something created in isolation by law makers and then imposed on constituents. Rather, at least to the degree that government is representative, law is a result of interaction between constituents and their representatives.

Given that communication plays a role in both the formulation and application of law, it becomes useful to consider the role of the news media in such communication. Given that judges are one important group of law makers and appliers, it becomes of interest to consider the relationship between judges and the news media. This paper considers that relationship in an effort to understand more about how judges communicate with the public through the news media -- both in terms of providing information and receiving information.

To accomplish this, the paper uses data gathered in a survey of trial court judges in Wisconsin in the fall of 1985. The survey gathered information both

on the nature of judges' interaction with journalists, and their reliance on the news media for various purposes. The goal was to examine the influence of several individual, organizational and institutional variables on judges' use of the news media as a link with the public.

Variables

Although one can conceive of an almost limitless number of variables that might affect interaction between judges and the news media, any systematic study ought to be guided by sound theory. Research on judicial behavior done by political scientists can be particularly useful in this regard. Role theory and the concept of accountability are two tools that would seem especially relevant.

In general, role theory posits that an individual's behavior is shaped by a combination of factors: the formal position -- i.e. role -- the person occupies and any associated organizational and institutional constraints; other people's expectations of how a person in such a position should behave; and the role occupant's own concept of what type of behavior is appropriate for someone in that position. Further, a given position may itself have several role components, each with its own set of constraints and expectations (Biddle and Thomas, 1966; Gibson, 1981: pp. 292-94).

In the context of the present study, an individual might occupy the formal role of judge and in that role be subject to the organizational and institutional constraints of the judicial system, as well as the expectations of attorneys, litigants and others about how a judge ought to behave. The same judge may also have a personal view of how it is appropriate to behave. But the role of judge can have several components -- among them, representational and deci-

sional components. As government officials -- elected government officials in many states -- judges represent public constituencies. But how they go about representing is a function of organizational and institutional constraints, others' expectations, and judges' own views of how it is appropriate for judges to go about representing. Some judges, for example, might believe it is appropriate to try as much as possible to do what constituents want them to do; others might believe a judge ought to be free of any such pressure. Similarly, decision-making is an obvious component of the judicial role. But even given the same organizational, institutional and expectational constraints, judges may differ in terms of how they believe judges ought to go about making decisions. More specifically, they may differ about what types of criteria ought to be used in judicial decision-making.

Role occupants' personal beliefs about what constitutes appropriate behavior for them are called their "role orientations" and have been the focus of considerable research on judicial behavior. Scales have been developed to measure such orientations, which have then been used as variables in efforts to understand and explain judicial behavior (e.g., Becker, 1966; Gibson, 1978, 1980; Glick and Vines, 1969; Glick, 1971; Howard, 1977; Sheldon, 1973; Vines, 1969; Wold, 1974). For the most part, these research efforts have aimed at explaining differences in the substance of judges' opinions or differences in the severity of criminal sentences. Researchers have focused particularly on judges' decisional role orientations -- judges' views about how much discretion a judge ought to exercise or what criteria a judge may legitimately use in making decisions. A commonly used typology has been that of "law makers" versus "law interpreters." The former feel less constrained by legal precedent and are

more willing to use other criteria in making decisions; the latter feel more constrained by precedent and are less willing to use other criteria.

Other judicial research -- building on research done on state legislators (Wahlke et al., 1962) -- has used representational role orientations, generally defined as "delegate" and "trustee" orientations (Gibson, 1980). "Delegates" consider it important to, as much as possible, act in accordance with what they perceive to be constituents' wishes. "Trustees" consider representation to occur independently of constituents' desires; they believe it is most appropriate for a representative to apply his or her own best judgment about how to proceed.

At first glance, it may appear that decisional and representational role orientations are really the same, but they are conceptually distinguishable. Some "law makers," for example, may rely on the news media for information useful in decision making -- not because they are inherently also "delegates" but simply because they find such material helpful and believe it is appropriate to rely on it. Put another way, delegates and law makers may both feel that gaining some sense of public opinion is appropriate, but not for the same reasons. A delegate's rationale may be that it is important to get some sense of public opinion in order to act as consistently with it as possible; a law maker's rationale may be simply that public opinion is one of a number of factors that may be of use in making a decision.

The concept of accountability can also be useful in studying judicial behavior. Political scientists have been most interested in the concept in connection with various methods of selecting and retaining judges. The debate over how best to select judges has centered largely on the question of how best to

balance judicial independence and judicial accountability (Carbon, 1980; Dubois, 1980; Seis, 1982). As underlying premise is that making judges face election will enhance accountability and, presumably, lead to a judiciary at least generally responsive to the overall climate of public opinion and more easily removed for incompetence.

Although political scientists have given little attention to judges' communication behavior as a variable, it would seem logical to expect representational and decisional role orientations and the concept of accountability to be related to judges' cooperation with and use of the news media. Gibson has noted that "[a]lthough research on the matter is slight, it is reasonable to expect that a variety of off-the-bench behaviors as well as on-the-bench behaviors is affected by role orientations" (1983: p. 20; see also Volcansek, 1977). It would seem reasonable to expect that judges with delegate role orientations would more highly value the news media as a link with the public, and that they would consequently cooperate more with journalists and use the media as indicators of public opinion more than would judges with trustee orientations. Similarly, we might reasonably expect judges with law maker role orientations to rely more on the news media for information that might be useful in decision-making than judges with law interpreter orientations. And if accountability is a concept that in fact links government officials and the public, judges who feel more accountable ought also be more likely to use the news media as a communication link with the public.

Other variables may also be expected to affect judge-news media interaction. Some research suggests that judges undergo a socialization process during which their relationship with the public changes:

> Upon ascending to the bench, a judge may be driven more by a constituency model and exhibit more public responsiveness. But later, as the judge adopts judicial norms and values, he gains confidence and develops his own "sense of justice," conforming less to extralegal influences from the public (Alpert et al., 1979; p. 335).

In other words, as judges physically age and put in more years on the bench, they may become less public-oriented. If so, we might expect age and years on the bench to affect judges' cooperation with journalists and use of the media. As Wasby (1981: p. 216) has observed, lack of formal training of judges as judges means the most important direct socialization of judges is through contact with other judges -- which reinforces accountability within the judicial profession rather than to others.

Another influence on judges' communication behavior may be judges' pre-bench political experience. Much of the rather extensive literature on media-source interaction has focused on journalists and sources in legislative and executive branches of government. There it is assumed that many sources highly value contact with the news media, welcome it and even seek it out. The news media are credited with playing an important role in the policy-making process and in the political process (e.g., Cohen, 1963; Nimmo, 1964; Sigal, 1973). It would seem reasonable to expect that judges with experience in other public office or who have been generally active in politics would have become accustomed to contact with the media and perhaps learned to value such contact for instrumental reasons. It would seem equally reasonable to expect that such

experience in communicating with the public via the media might make a judge likely to continue such interaction after assuming the bench. At least, judges' previous experience might make them more comfortable dealing with the media, or better prepared for such contact.

Once on the bench, however, judges will certainly feel a new set of constraints on their interaction with journalists. One obvious such constraint is judicial ethics -- both in terms of formal ethical standards adopted as court rules and in terms of judges' personal views on what is and is not appropriate conduct for a judge. A related constraint might be fair trial-free press guidelines adopted jointly by bench, bar and news media to establish what types of information about criminal cases is appropriate for publication. Then there are the factors of time and workload -- judges may feel that they simply can't take the time to interact with journalists.

Finally, judges' interaction with journalists might be expected to vary depending on judges' assessment of the journalists' competence to cover the judiciary and on whether judges feel they have been victimized by critical or adverse publicity. Media coverage of the judiciary has been subject to considerable criticism (e.g., Kurland, 1960; Monroe, 1973; Shaw, 1984). It would seem that judges' doubts about journalists' competence would be an obstacle to cooperation. Similarly, judges' who have been "burned" by the news media would seem also to have reason not to cooperate.

Method

In order to test such reasoning, all circuit court judges in Wisconsin were sent a questionnaire in the fall of 1985 asking a series of questions about

their interaction with journalists and reliance on the news media. Circuit courts are the basic court of original jurisdiction in the state, and were selected for study because they are easily accessible to the greatest number of journalists and are the court with which people likely have the most direct contact. Circuit judges in Wisconsin are elected on a nonpartisan ballot to six-year terms. After two follow-up appeals, 148 of the state's 199 circuit judges returned completed questionnaires, a response rate of 74.4 percent.

Judges' representational and decisional role orientations were measured with scales developed and used by Gibson in studies of trial judges in Iowa and California (Gibson, 1980, 1981). The representational role orientation scale consisted of three items which were then factor analyzed, and out of which a single factor emerged. The resulting factor scores were arranged on a continuum so that the higher the score, the more a judge was assumed to have a "delegate" orientation and the lower the score, the more a judge was assumed to have a "trustee" orientation.[1] Decisional role orientation was measured by six items that were factor analyzed and out of which two factors emerged. The first of these factors can be characterized as a measure of the degree to which a judge holds a "law maker" orientation -- that is, an orientation which defines extra-precedential criteria as legitimate in decisionmaking. This factor was also the clearer and more powerful of the two, and it was selected for use in the analysis. Again, the resulting factor scores were arranged on a continuum so that the higher the score, the more strongly a judge was considered to hold a "law maker" orientation; the lower the score, the more a judge was considered to have a "law interpreter" orientation.

Judges' concept of accountability was measured with a series of items asking judges to indicate how answerable or responsive they felt as a result of

being elected officials. The items were factor analyzed and two factors emerged. Each factor was considered to represent a scale, and reliability analysis was performed on each. The most powerful factor also proved to have the largest reliability coefficient and it was selected for use in the analysis. The factor is interpreted as representing the degree to which judges' elective status makes them feel answerable, responsive and sensitive to the public. The factor scores for the accountability scale were also arranged on a continuum, so that the higher the score, the greater the feeling of accountability. Although it may seem that accountability and the two role orientation scales are redundant, they are conceptually distinguishable, primarily by the elective element. That is, there is no reason to believe that elective status causes one to be a "delegate" or a "law maker." Indeed, research indicates that judicial selection method is not correlated with the distribution of role orientations (Flango and Ducat, 1979: p. 31; Vines, 1969: p. 476). But elective status may enhance accountability.[2]

To develop a measure of judges' pre-bench political experience, two indicators were combined -- judges' indication of how politically active they were before assuming the bench and whether they had either held or unsuccessfully sought other public office. Judges who indicated above the median pre-bench political activity and having held or sought public office were classified as high on pre-bench political experience; the others were classified as low.

The next task was to develop measures of judges' cooperativeness and reliance on the news media. Cooperativeness was measured in two ways. The first involved asking judges whether they either had provided or would provide some 10 types of assistance (see Table 1); the second involved asking judges how

frequently they had, both on and off the record, volunteered any kind of assistance without being asked (see Table 2).

[INSERT TABLES 1 & 2 ABOUT HERE]

Additive indices were created for each of these measures -- willingness to help when asked and willingness to help without being asked. The total number of types of help each judge was willing to provide was calculated; and the frequencies of on-the-record and off-the-record volunteered help were summed. The higher the totals, the more cooperative the judges were assumed to be.

Judges' reliance on the news media was measured with a series of items asking judges to specify on a scale of 1 to 10 the degree to which they relied on the media for a variety of purposes (see Table 3). Some of these items were

[INSERT TABLE 3 ABOUT HERE]

used individually as indicators of media reliance, but the items were also factor analyzed in an attempt to create media reliance scales. Ultimately, two factors emerged based on five of the items. One can be described as an "image reliance" factor, a measure of the degree to which judges rely on the news media as an indicator of the public's image of them. The other can be described as a "decisional aid" factor, a measure of the degree to which judges rely on the news media as a source of information useful in making decisions. Again, the factor scores for each factor were arranged on a continuum. The higher the score, the greater a judge's reliance on the news media.

Reliance on the media was also measured by an index of how frequently the judges said they made it a point to read or listen to newspaper, radio and tele-

TABLE 1

PERCENTAGE OF JUDGES WHO HAVE PROVIDED OR WOULD PROVIDE TYPES OF ASSISTANCE

Factual information about a case in your court	56%
Explanation of legal technicalities, legal language or the judicial process itself	88
Suggestions steering the reporter to possible judicial stories	47
Help understanding the significance of a case in your court or a decision in your court	77
Help deciding whether a particular case will be worth news media coverage	34
Explanation of something you have done in handling a particular case	66
Help confirming the accuracy of a journalist's story	75
An interview with you for a story on a topic involving the courts or court system, but not related to the journalist's coverage of a particular case	91
Access to public court records or to admitted exhibits and evidence	82
Nothing in particular--just a friendly chat	82
	n=146

TABLE 2

FREQUENCY WITH WHICH JUDGES VOLUNTEER ASSISTANCE TO JOURNALISTS[a]

	On Record	Off Record
Never	77%	68%
Once	8	14
2-4 Times	9	11
5-10 Times	3	2
More Than 10 Times	3	5
	n=136	N=133

[a]The question asked: "Thinking back over the past six months or so, please indicate...about how many times -- both on and off the record -- you have volunteered information or assistance of any type to a reporter without having been asked." The closed-ended categories were then provided.

TABLE 3

JUDGES' MEAN DEGREE OF RELIANCE
ON NEWS MEDIA FOR VARIOUS PURPOSES[a]

	Mean
For an indication of the public's image of the courts	4.6 (144)[b]
In order to assess the fairness and accuracy of information the public is receiving about cases you handle	6.3 (143)
To see what kind of image the public is likely to be receiving of you	5.0 (144)
For an indication of public reaction to your decisions and other official actions	4.7 (144)
For an indication of public opinion about cases and issues actually before you	3.7 (144)
For information that may be helpful to you in making a judicial decision	2.1 (143)
For an indication of public opinion about issues and cases likely to come before you	2.9 (144)

[a]The question asked: "Please indicate on a scale of 1 to 10 -- with 1 indicating not at all and 10 indicating a great deal -- the degree to which you rely on the news media for each of the following."

[b]Number in parentheses = n.

vision coverage of cases or proceedings they handle. For each medium, judges responded in terms of never, rarely, sometimes, usually or always. These responses were summed across all media for each judge to create the index. Again, the higher the resulting score, the greater the judge's attention to the media.

Judges were also asked to indicate the degree to which they felt constrained from cooperating by judicial ethics,[3] by time, by workload, by doubts about reporters' competence, by Wisconsin's fair trial-free press guidelines and by whether a case were criminal or civil.[4] And they were asked whether they had ever been the victim of critical or adverse publicity. Finally, they were asked to indicate which news media -- weekly newspaper, daily newspaper, commercial radio and commercial television -- were located in their towns. An index providing an aggregate measure of overall presence of local media was created by simply summing the number of media types in each judge's city. Thus, for this variable, each judge could have a score from 0 to 4.

Ultimately, the variables were entered hierarchically into a series of multiple regression equations. One goal was to examine the relationship of judges' age and experience, political background, ethical and other constraints, experience with adverse publicity, accountabilty and representational role orientations to their cooperation with the news media. Another goal was to examine the relationship of judges' age and legal experience, political background, decisional and representational role orientations, and accountability to their reliance on the news media for various purposes. The central question was how much variance in the dependent measures -- cooperation and media reliance -- could be attributed to which variables.

Multiple regression is particularly suitable because it allows us to make statements about the unique contribution of each of several independent variables to variance in dependent variables. Hierarchical regression was used, not to suggest a specific path of causality among the variables, but on the assumption that a more meaningful picture would emerge if variables were entered in a conceptually logical order.

Results

Before considering the results of the regression analysis, it is useful to have a general picture of who the respondents were. Table 4 provides a break-

[INSERT TABLE 4 ABOUT HERE]

down of the respondents' demographic characteristics. Although the typical judge has clearly not been on the bench for a long time, and although most judges apparently regard their jobs as highly secure, it is clear that it is not unusual for judges to have electoral opposition. Many judges also have held or sought other political office. This suggests that pre-bench political experience can be a useful variable to consider in Wisconsin. The judges ranged in age from 32 to 70, and 57 percent of them had been elected twice or more, although a slight majority -- 52 percent -- were initially appointed to their judgeships. Only seven judges who were initially appointed had not yet faced election. Judges' total years on the bench ranged from less than one to 30.

The judges' years in legal practice before assuming the bench ranged from 2 to 40. Sixty-four percent of the judges described their former practices as "general" or "mixed," 16 percent as criminal prosecution. However, of the

TABLE 4

JUDGES' DEMOGRAPHIC CHARACTERISTICS

Mean population of county	105,500
Median years on bench (all judgeships)	6
Median years in present judgeship	6
Have held other judgeship	12%
Have been in contested judicial election	62%
Median years since most recent contested race	6
Had media endorsement for election	43%
Had media opposition for election	6%
Had media endorse opponent in election	18%
Self-perceived likelihood of being re-elected	8.9[a]
Have held other public office	60%
Have unsuccessfully sought elective office	35%
Mean age	50
Sex (male)	95%
Mean years of pre-bench legal practice	14
Degree of pre-bench political activity	5.6[b]
Classified as "politico"[c]	41%
	n=148

[a]Judges' mean rating on scale of 1 to 10 with 1 indicating extremely poor and 10 indicating excellent.

[b]Mean rating on scale of 1 to 10 with 1 indicating not active at all and 10 indicating extremely active.

[c]Politico is defined as being above the median for pre-bench political activity (m=6) and either having held other public office or having unsuccessfully sought one.

judges who indicated having held public office before assuming their judgeships, 44 percent had been district attorneys and another 13 percent had been assistant district attorneys. Another 25 percent had held either local or state legislative office. Of those who had unsuccessfully sought public office, 26 percent had failed in attempts to become district attorneys, 24 percent had unsuccessfully sought judgeships, and 39 percent had sought local or state legislative office. In their present positions, 46 percent of the judges indicated being assigned to one or more specialized areas of law -- among them, felony, misdemeanor, civil, traffic, juvenile, family, probate law, or a combination of these.

Ninety-seven percent of the judges indicated having been contacted by a reporter. In terms of the judges' monthly contact with journalists, the average number of contacts in a typical month is 3.9 with a range from none to 30. The median and mode were both 2. Clearly, the most frequent contact judges have with journalists is with reporters from daily newspapers. When asked to indicate how much contact they had over the past six months with daily newspaper reporters, 64 percent of the judges indicated such contact had been occasional or frequent. The corresponding figures were 27 percent for weekly newspapers, 40 percent for television and 45 percent for radio.

Finally, in terms of their attention to media coverage of cases and proceedings they handle, 71 percent of the judges said they usually or always read newspaper coverage, 33 percent usually or always listen to radio coverage and 52 percent usually or always watch television coverage.

Table 5 shows the results of the multiple regression analysis of variables affecting judges' cooperation with journalists.[5] One might expect judges'

[INSERT TABLE 5 ABOUT HERE]

cooperativeness with the media to be in part a function of merely the availability of media and journalists, and the results indicate that such is the case. The presence of local media accounts for a statistically significant amount of variance in the degree to which judges help journalists when asked.[6] And the correlation between amount of local media and judges' cooperation is positive.

The next variable was in fact a cluster of three variables involving judges' age and amount of occupational experience. The three were entered together because they are independent conceptually but still intercorrelated.[7] It is clear that these variables together account for a considerable amount of the variance in judges' cooperation, both when judges are asked for help and when they volunteer it. Note too that, although there is a small positive correlation between years on the bench and cooperativeness, age and years in legal practice are negatively correlated with cooperativeness. That is, the longer judges have practiced law and the older judges are, the less cooperative they are.

Judges' pre-bench political experience is positively correlated with both measures of judges' cooperativeness, as might be expected. But it accounts for relatively little of the total variance. Judicial ethics, on the other hand, accounts for a major portion of the variance in the degree to which judges will cooperate with journalists if asked, but has far less impact on volunteering of help. As expected, ethics is negatively correlated with cooperation. That is, the more a judge feels constrained by ethics, the less cooperative a judge is likely to be. The fact that ethics appears to be more of a constraint

TABLE 5

MEDIA COOPERATION MEASURES REGRESSED ON CONTROL VARIABLES, REPRESENTATIONAL ROLE ORIENTATION, AND ACCOUNTABILITY*

	Helping When Asked			Volunteering Help**		
	Simple r	Beta	R^2 Change	Simple r	Beta	R^2 Change
Local Media Presence	.19[b]	.19	.04[b]	.11	.11	.01
Total Years on Bench	.12	.12	___***	.09	.09	___***
Years in Legal Practice	-.34[d]	-.30	___***	-.29[c]	-.27	___***
Age	-.22[c]	-.84***	.15[d]	-.18[b]	-.49***	.10[b]
Political Experience	.11	.12	.01	.14	.14	.02
Judicial Ethics	-.32[d]	-.26	.06[c]	-.17[a]	-.11	.01
Workload	.22[b]	.21	___***	-.01	-.02	___***
Lack of Time	.24[c]	.72	.07[c]	-.04	-.52	.01
Experienced Bad Publicity	.20[b]	.06	.00	.29[c]	.24	.04[b]
"Delegate" Role Orientation	.26[b]	.11	.01	.26[c]	.16	.02[a]
Accountability	.17[b]	.04	.00	.10	-.09	.01
		Total R^2 = .35[d]			Total R^2 = .22[c]	
		Total Adjusted R^2 = .29			Total Adjusted R^2 = .14	
		n = 125			n = 115	

*Based on pairwise deletion of missing cases.

**Using natural log transform.

***Years on bench, years in legal practice and age were entered into the equation in a cluster because of their high inter-correlation, as were workload and lack of time. Consequently, betas for the cluster should be interpreted with substantial caution. The total R^2 change for each cluster is reported in the age row and the time constraint row.

[a]Significant at $p \leq .1$.

[b]Significant at $p \leq .05$.

[c]Significant at $p \leq .01$.

[d]Significant at $p \leq .001$.

on cooperating when asked than on volunteering assistance is understandable, since volunteering is by definition under the total control of the volunteer.

Judges' workload and lack of time are important factors in explaining the degree of judges' cooperation when asked, but are only slightly correlated with volunteering help. Although at first glance it seems that busier judges are also more cooperative, the positive correlations are a function of the wording of the survey items. In fact, time and workload are negatively correlated with cooperation when asked. Earlier versions of the regression analysis also considered the impact on cooperation of judges' doubts about reporters' competence, fair trial-free press guidelines, and whether a case was a criminal case. But none of them significantly affected the cooperation variables. In other words, despite complaints about the alleged incompetence of the media and despite the attention bench-media guidelines have received, these factors did not seem to influence judges' cooperation with the news media on a routine basis.

Whether judges have received critical or adverse publicity does influence the degree to which they volunteer assistance to journalists; it explains no variance at all in cooperation when asked. One surprise, however, is that the relationship between cooperation and having received bad publicity is positive -- that is, judges who have received bad publicity are also more cooperative.

Finally, the data indicate that judges' feelings of accountability are not related to differences in their cooperativeness. In fact, this variable explains virtually no variance at all. Having a "delegate" representational role orientation, however, does explain a statistically significant amount of the variance in volunteering help. As expected, "delegatism" is positively correlated with volunteering help.

Table 6 shows the results of the multiple regression analysis of the impact of various factors on judges' reliance on the news media. The first two dependent measures -- image reliance and decisional aid -- are the two scales of media reliance discussed earlier. The others are individual items indicating the degree to which judges rely on the news media for an indication of public opinion on cases before them, for an indication of public reaction to their actions, and for an indication of the public's image of individual judges. One final item is a measure of how often judges read or listen to media coverage of cases they handle -- judges' media attention.

It is reasonably clear, first, that the presence of local media is not a

[INSERT TABLE 6 ABOUT HERE]

major factor in explaining judges' reliance on the media. It is related significantly only to the degree of judges' attention to the media, but that is understandable because that variable measured how frequently judges' said they read or listen to media coverage of cases they handled. Such coverage is most likely to occur in local media.

Once again, the age-legal experience cluster of variables proves to explain a notably large amount of the variance in all of the dependent variables.[8] And again, years on the bench is positively correlated with degree of reliance while years in legal practice and age are negatively correlated with reliance. Judges' political experience explains a statistically significant amount of the variation in the three measures of judges' reliance on the news media for an indication of court or judge image and public reaction to decisions. Yet it does not explain any variance in judges' attention to media coverage of cases they handle.

TABLE 6

MEDIA RELIANCE MEASURES REGRESSED
ON CONTROL VARIABLES, REPRESENTATIONAL ROLE ORIENTATION, AND ACCOUNTABILITY*

	Image Reliance			Decisional Aid			Public Opinion on Existing Cases		
	Simple r	Beta	R^2 Change	Simple r	Beta	R^2 Change	Simple r	Beta	R^2 Change
Local Media Presence	.05	.05	.00	.13	.13	.02	.07	.07	.00
Total Years on Bench	.04	.04	___**	.01	.01	___**	.10	.09	___**
Years in Legal Practice	-.18[b]	-.17	___**	-.24[c]	-.23	___**	-.20[b]	-.19	___**
Age	-.09	.11	.03	-.18[b]	-.22	.05[a]	-.06	.19	.05
Political Experience	.20[b]	.19	.04[b]	.03	.04	.00	.13	.11	.01
"Law-Maker" Role Orientation	.12	.15	.02	.23[c]	.23	.05[b]	.13	.14	.02
"Delegate" Role Orientation	.25[c]	.18	.03[a]	.39[d]	.31	.08[c]	.27[c]	.19	.03[b]
"Accountability	.26[c]	.16	.02[a]	.20[b]	.12	.00	.31[d]	.24	.04[b]
			Total R^2 = .13[b]***			Total R^2 = .20[c]			Total R^2 = .15[c]
			Total Adjusted R^2 = .08			Total Adjusted R^2 = .15			Total Adjusted R^2 = .10
			n=129			n=129			n=131

(Table 6 continued on following page)

TABLE 6 (cont.)

	Public Reaction to Decisions			Judges' Public Image			Judges' Media Attention		
	Simple r	Beta	R^2 Change	Simple r	Beta	R^2 Change	Simple r	Beta	R^2 Change
Local Media Presence	.14[a]	.14	.02	.04	.04	.00	.19[b]	.19	.03[a]
Total Years on Bench	.03	.03	___**	.00	.00	___**	.08	.08	___**
Years in Legal Practice	-.28[c]	-.26	___**	-.24[c]	-.24	___**	-.16[a]	-.12	___**
Age	-.18[b]	-.09	.07[b]	-.18[b]	-.04	.06[a]	-.01	.60	.05
Political Experience	.16[a]	.16	.03[a]	.25[c]	.26	.06[c]	.01	-.01	.00
"Law Maker" Role Orientation	.23[c]	.24	.05[c]	.14[a]	.19	.03[b]	.17[a]	.15	.02
"Delegate" Role Orientation	.32[d]	.20	.03[b]	.37[d]	.29	.07[c]	.32[c]	.29	.07[c]
Accountability	.33[d]	.19	.03[b]	.35[d]	.20	.03[b]	.22[b]	.11	.01
			Total R^2 = .23[d]			Total R^2 = .26[d]***			Total R^2 = .18[b]
			Total Adjusted R^2 = .18			Total Adjusted R^2 = .21			Total Adjusted R^2 = .11
			n=131			n=131			n=110

*Based on pairwise deletion of missing cases.

**Years on bench, years in legal practice and age were entered into the equation in a cluster because of their high inter-correlation. Consequently, betas for the cluster should be interpreted with substantial caution. The total R^2 change for the cluster is reported in the age row.

***Total R^2 differs from column total due to rounding.

[a]Significant at $p \leq .1$. [c]Significant at $p \leq .01$.

[b]Significant at $p \leq .05$. [d]Significant at $p \leq .001$.

The decisional and representational role orientations both turn out to be useful. Having a "law maker" decisional orientation is positively correlated with all types of reliance, and accounts for a statistically significant amount of the variance in the decisional aid scale. Representational role orientation appears to be an even more powerful variable. "Delegatism" accounts for statistically significant amounts of variance in every one of the media reliance measures -- even after the other variables are statistically held constant. The correlation between "delegatism" and reliance is, as expected, positive and quite large. Simply put, the more strongly judges hold "delegate" orientations, the more they rely on the news media.

Accountability also proves to be a useful variable in understanding media reliance. For four of the six dependent measures, judges' feelings of accountability explain statistically significant amounts of variance. And, as expected, the correlation between accountability and media reliance is positive -- the more accountable judges feel, the more they rely on the media. And this finding holds even after all other variables have been statistically controlled.

All told, then, the regression equations developed to explain variance in media reliance explain from 13 to 26 percent of such variance. The overall results of each equation are statistically significant. Likewise, the equations developed to explain judges' cooperation with the media accounted for statistically significant variance in cooperativeness.

Discussion

The results of this study suggest that it is possible to improve our theoretical understanding of routine interaction between judges and the news

media. In terms of judges' cooperation with the news media, it appears that demographic, organizational and institutional variables -- judges' age and experience, time, work and ethical constraints -- are particularly important factors, along with the mere presence of local media. Judges' feelings of accountability explain virtually none of the variance; having a "delegate" role orientation is useful in explaining judges' volunteering of help, but not their helping when asked. Of course, volunteering help may be the most meaningful measure of the impact of "delegatism" since it reflects the degree to which judges take the initiative in seeking contact. The survey did not ask judges precisely what kinds of assistance they volunteered, however, so we cannot be certain whether or how the volunteered help differed from the help sought by journalists. Nor is it clear why accountability should be unrelated to cooperating with journalists. Perhaps the best generalization is that accountability most affects judges' use of the media to receive information from the public rather than to send information to the public. Accountability did, after all, explain statistically significant amounts of variance in judges' media reliance.

One particularly puzzling finding was the positive correlation between cooperativeness and judges' having experienced adverse publicity. Aside from the age-legal experience variables, this variable was the next biggest factor in explaining judges' willingness to volunteer assistance; yet it explained no variance at all in judges' cooperation when asked. Perhaps this reflects a defensive reaction. That is, judges who are victims of bad publicity may be unresponsive when asked for help, but they may volunteer certain assistance to defend themselves or to keep the flow of information as much as possible on

their own terms. Or they may volunteer assistance in an effort to educate reporters, prevent or pre-empt problems of misunderstanding.

In terms of reliance on the news media, role orientations and the concept of accountability proved to be very useful tools. For every measure of reliance, they accounted for roughly half or more of the total variance explained. As expected, a "law maker" orientation was correlated with reliance on the news media as a decisional aid. But judges with this orientation also rely relatively heavily on the media for image indications. It could be that "law makers" are interested not only in the instrumental value of information in the media, but are also sensitive to the need for public support for what they do. Consequently, they rely on the media as an indicator of such support.

Similarly, "delegatism" accounts for major portions of the variation observed in all of the reliance measures. In fact, it appears to be the strongest predictor of all the variables. This finding is, of course, perfectly consistent with the theory underlying this role orientation, since delegates ought to highly value ties with their constituents.

The impact of the accountability variable on media reliance was also as expected. Judges who feel more accountable also rely more heavily on the news media, particularly for indications of public opinion on and reaction to cases and decisions, and for indications of judges' public image. The findings here appear to add credence to the argument that elections may enhance judicial accountability, at least in the sense of making judges more cognizant of their public constituencies.

The findings also suggest that judges' prior political experience is a significant variable. It is useful in explaining some of the variance in judges'

cooperation and is even more powerful in explaining media reliance. More significantly, the variance it accounts for is consistent with the theory underlying the concept. That is, we would expect judges with more political experience to be more media-oriented in general, but we would also expect them to be particularly conscious of their public image. The data showed, for example, that although political experience explained none of the variance in reliance on the media as a decisional aid, it accounted for the largest share of the variance explained by the image reliance equation. It accounted for statistically significant amounts of variance in reliance on the media for public reaction to decisions and for an indication of a judge's public image.

The age-legal experience cluster of variables proved influential both in explaining cooperation and media reliance. What seems especially puzzling is how age and number of years on the bench -- although highly correlated with each other -- have differing correlations with cooperation and media reliance. Additional analysis indicates that age is important primarily as a suppressor variable. Age alone contributes little variance once years of legal practice is controlled; but without controlling for age, the contribution of years on the bench is suppressed.

Some political scientists have suggested that age and years on the bench are correlated with changes in judges' role orientations -- that as time passes, judges become less public oriented (Alpert et al., 1979). Data gathered in the present study indeed show that age is significantly and negatively correlated with having a "delegate" orientation ($r=-.21$, $p<.05$) and with accountability ($r=-.27$, $p<.01$). Years in legal practice is also negatively and significantly correlated with "delegatism" ($r=-.39$, $p<.001$) and accountability ($r=-.29$, $p<.001$).

Yet longevity on the bench is positively correlated with "delegatism" (r=.11, n.s.) and virtually uncorrelated with accountability (r=-.06, n.s.). One possibility, of course, is that another variable is operating to disguise the true relationship. But it is unclear at this point what that variable might be. Further study of the matter is certainly warranted.

Conclusion

This study has taken a step toward better theoretical understanding of routine interaction between the judiciary and the news media. In so doing, it moves us a step beyond anecdotal evidence about bench-media relationships. It is, of course, a case study of one judicial system from the perspective of one type of source. Yet there is no reason to believe that the variables under study here should inherently differ from state to state. Even if a case study builds in a certain level of homogeneity in respondents, the fact that theoretically predictable variance emerged suggests that the variables used here are valuable. Further attention to such variables can only expand our understanding of the relationship among judiciary, news media and public, and of the process through which law is communicated.

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FOOTNOTES

1. The items and analyses for scales and indices used in this paper are available from the author.

2. The Pearson correlation between the accountability scale and the representational role orientation scale is high -- .44 ($p<.001$); the correlation between the accountability scale and the decisional role orientation scale is .067 (ns); the correlation between the representional and decisional role orientation scales is .17 (ns).

3. Judges were asked to indicate on a scale from 1 to 10 -- with 1 indicating not at all and 10 indicating a great deal -- the degree to which they felt constrained by judicial ethics from cooperating more with reporters both on the record and off the record. The on-the-record and off-the-record responses were then summed to create and overall index of degree of ethical constraint.

4. Judges were asked to indicate on a scale from 1 to 10 -- with 1 indicating not likely at all and 10 indicating extremely likely -- how likely they would be to cooperate more but for time, workload, doubts about reporters' competence, bench-press guidelines, and type of case.

5. In an effort to improve the fit of the regression equation, a natural logarithmic transform was used on the media cooperation measures. The transform improved the results for volunteering help and is used in the analysis for that variable. For discussion of this technique, see Montgomery and Peck (1982).

6. In earlier stages of analysis, county population was used as a control instead of amount of local media available. But county population did not explain any significant amount of variance.

7. The relationship between years in practice, years on the bench and age needs more analysis. Age and years on the bench are highly correlated ($r=.64$, $p<.001$), as are age and years in legal practice ($r=.62$, $p<.001$), while years on the bench and years in legal practice are negatively correlated but not at a statistically significant level ($r= -.14$).

8. The regression equations for media reliance did not include the variables of ethical, time, workload and other constraints. This was done because there seems to be no reason to expect these variables to be related to media reliance as opposed to cooperation with journalists. Consequently, the questions involving those constraints were presented to respondents only in terms of their influence on cooperation.

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